

Amended, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEAN LIN,

07-CV-3218 (RJH)

Plaintiff,

- against -

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.
-----X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/21/08</u>

AMENDED PROPOSED SCHEDULING ORDER

Defendant, METROPOLITAN LIFE INSURANCE COMPANY (hereinafter

"Defendant" or "MetLife") and the Plaintiff, JEAN LIN, (hereinafter "Plaintiff"),

respectfully submit the following amended proposed scheduling order:

1. Description of the Case

a. Attorneys

(Plaintiff):

Ted Trief, Esq. and Eric Dinnocenzo, Esq.,
Trief & Olk
150 East 58th Street – 34th Fl.
New York, NY 10155

(Defendant):

Alvin Pasternak, Esq. and Tomasita Sherer, Esq.
Metropolitan Life Insurance Company
One MetLife Plaza
27-01 Queens Plaza North
Long Island City, NY 11101

b. State the basis of Federal jurisdiction: Diversity jurisdiction

c. Briefly describe the claims asserted in the complaint and any counterclaims:

The plaintiff claims that the defendant has wrongfully refused to pay the proceeds for a life insurance policy taken on the life of her deceased husband. The defendant has asserted a counterclaim for rescission and misrepresentation.

d. State the major legal and factual issues in the case:

The defendant has refused to pay the proceeds of the policy on the grounds that the policyholder made a material misrepresentation by failing to disclose in his policy application that he had a history of hepatitis B. The plaintiff alleges that there was no material misrepresentation because the policyholder was not infected with the hepatitis B virus and had, in fact, cleared it from his system. The defendant claims that a material misrepresentation was made.

e. Describe the relief sought:

The plaintiff seeks full payment of the policy in the amount of one million (\$1,000,000.00) dollars.

2. Proposed Case Management Plan

a. Identify all pending motions: None.

b. Propose a cut off date for joinder of additional parties: 10/27/07

c. Propose a cutoff date for amendments to pleadings: 12/27/07

d. Propose a schedule for competition of discovery, including:

i. A date for Rule 26(a)(1) disclosures; if not previously completed;

ii. A fact discovery completion date: 1/27/08

iii. A date for Rule 26(a)(2) disclosures:
2/27/08 (Plaintiff)
3/27/08 (Defendant)

iv. An expert discovery completion date, including dates for delivery of expert reports: 5/27/08

e. Propose a date for filing dispositive motions: 6/27/08

i. Pre-motion conference: 6/20/08

f. Propose a date for filing a final pretrial order: 7/27/08

g. Propose a trial schedule, indicating:

i. Whether a jury trial is requested: Yes

- ii. The probable length of trial: 1 week
- iii. When the case will be read for trial: 9/1/08
- 3. Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge: No
- 4. Status of Settlement Discussions:
 - a. Indicate whether any settlement discussions have occurred:

The parties have discussed their respective views of the merits of the case. Plaintiff has stated that she seeks the full policy amount. Defendant has not made an offer.
 - b. Describe the status of any settlement discussions; and

Please see section (a) above.
 - c. Whether parties request a settlement conference.

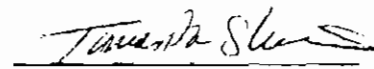
No.

Dated: New York, New York
March 12, 2008

5. a status
conference shall
be held on
6/20/08 at


METROPOLITAN LIFE
INSURANCE COMPANY


By:


Alvin Pasternak (AP 5085)
Tomasita Sherer (TH 6072)
One MetLife Plaza
27-01 Queens Plaza North
Long Island City, NY 11101
(212) 578-3102

60:30 a.m. TRIEF & ODK

By:


Ted Trief (TT 7594)
Eric Dinnocenzo (ED 3430)
Attorneys for Plaintiffs
150 East 58th Street, 34th Floor
New York, New York 10155
(212) 486-6060


0805
3/20/08